

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

VANCE S. ELLIOT,

No. C 14-80009RS

Plaintiff,

v.

**ORDER DENYING WITHOUT
PREJUDICE APPLICATION TO
PROCEED IN FORMA PAUPERIS**

THE DEPARTMENT OF VETERANS
AFFAIRS,

Defendant.

By order issued in Case No 04-1600 MHP, on August 18, 2004, Judge Marilyn Patel of this district required pre-filing review of all papers submitted by plaintiff involving any claims that were the subject of or related to the claims in that action. Plaintiff has now submitted a complaint apparently alleging slander against the Department of Veterans Affairs. Although the allegations are not entirely clear, they do not appear to relate to the matters plaintiff raised in Case No. 04-1600 MHP, and therefore the order in that case does not serve as a basis to deny plaintiff permission to proceed in this action.

Plaintiff, however, also seeks leave to proceed in forma pauperis. Pursuant to 28 U.S.C. § 1915, a district court may authorize the commencement of a civil action in forma pauperis if the court is satisfied that the would-be plaintiff cannot pay the filing fees necessary to pursue the action. 28 U.S.C. § 1915(a)(1). The court may deny in forma pauperis status, however, if it appears from

1 the face of the proposed complaint that the action is frivolous or without merit. *O'Loughlin v. Doe*,
2 920 F.2d 614, 616 (9th Cir. 1990); *Tripati v. First National Bank & Trust*, 821 F.2d 1368, 1370 (9th
3 Cir. 1987).

4 As presently drafted, the complaint is without merit in that it fails to set forth a cognizable
5 claim. In particular, the bulk of the complaint is illegible. Accordingly, plaintiff's request to
6 proceed in forma pauperis is denied without prejudice. If plaintiff does not pay the filing fee within
7 thirty (30) days of receiving this order, this action will be dismissed without prejudice.

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9 IT IS SO ORDERED.

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11 Dated: 01/27/2014



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE

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16 **THIS IS TO CERTIFY THAT A HARD COPY OF THIS ORDER WAS MAILED TO:**

17
18 Vance S. Elliott
19 640 Eddy Street, #219
20 San Francisco, CA 94109

21 DATED: 01/27/2014

22 /s/ Chambers Staff
23 Chambers of Judge Richard Seeborg
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